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*Self-Represented Plaintiff*

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF DELAWARE**

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| Dr. Lakshmi Arunachalam,<br>Plaintiff**,**<br>v.<br><br>GORDON *et al*,<br>AND, DOES 1-100<br>Defendants | Case No. 1:20-CV-1020-LPS<br><br>**Plaintiff's Response to Order to Show Cause and Objections to Judge Stark's Orders, D.I.'s 259, 258**<br><br>**JURY TRIAL DEMANDED** |

Dr. Lakshmi Arunachalam ("Dr. Arunachalam"), hereby, files the above-captioned Response to Order to Show Cause and Objections to Judge Stark's Orders D.I.s 259 and 258, that are **NULLITIES, replete with FALSE OFFICIAL STATEMENTS and willful MATERIAL OMISSIONS by Judge Stark who ruled, without jurisdiction, without considering Plaintiff's obligatory constitutional evidence, where Judge Stark was obliged to uphold the Laws of the Land above all else, after breach of oath of office,** which are downright Denial of the Protection of the Bill of Rights and associated Inalienable Rights and violate my due process rights.

## I. QUANTUM GRAMMAR DEFECTS IN JUDGE STARK'S ORDERS D.I.S 259, 258 VOIDS HIS ORDERS.

See EXHIBIT 1 For Forensic Evidence Analysis**.**

## II. PLAINTIFF HAS A RIGHT TO BRING FORTH CONSTITUTIONAL CHALLENGES – THE SECURED RIGHT OF "THE PEOPLE."

I hereby challenge the following: (i) **Corrupt Process Disorder**, Policies, Procedures, and Rules of the Court; (ii) The Right to Challenge; (iii) The Misapplication of the SOVEREIGN IMMUNITIES DOCTRINE; (iv) Definition of the "SUPREME LAW OF THE LAND" universal meaning; (v) The policy of allowing officers of the Court to maintain the status and the capacity of three different branches of Government; (vi) The Dual Oath taking by Public Officials, Officers

of The Court, and Trust Agents; (vii) A Challenge to Judge Stark's Jurisdiction; (viii) A Challenge to The Unconstitutional Requirement, which Prohibits a "**learned**" jury from interpreting the laws and/or statutes. Each of the aforementioned points affect my rights directly and/or indirectly with reference to the instant matter and I hereby exercise the right to highlight the conflict under the secured rights protected by the Supreme Law of The Land - "**the Bill of Rights" of the Constitution for the United States of America.**"

## III. CONSTITUTIONAL QUESTIONS AND CHALLENGES: STATED CLAIMS

1. This Court has, it is believed, a constitutional duty to enforce the laws as intended by Congress, who, obtain their authority from the people;

2. This Court is presumably said to be a Court of law. If the Constitution is the law, then why do the Courts not rely on the law and the mere appearance of law?

3. The law of the land as noted above is Supreme, as such was the will of the people. It is the people who empower Congress to express their will. This limits the authority of Congress to enact laws that would abridge the rights of the people to a fair, impartial, lawful proceeding(s) and/or trial otherwise known as due process of law secured by the Bill of Rights and the Supreme law of the land including the right to property.

4. **Whereas** the Third Section of Article Six of the Constitution of the United States mandates that, "The **… Judicial officers**, both of the United States and of the several States, **shall be bound by oath of affirmation to support the Constitution**;…"

5. **Whereas** "An act to regulate the time and manner of administering certain oath" is the first law passed by the United States Congress after the ratification of the Constitution of the "United States Statutes at Large" as 1 Stat. 23.

6. **The Court operates under presumption of law**, a presumption is not evidence, but it is

a rule of law which governs until sufficient evidence to the contrary appears, and because it appears that a presumption violates the Due Process Clause of the First, Fourth & Fifth Amendments to the United States Constitution's BILL OF RIGHTS, such appears to violate an individual's right to innocence until proven guilty. If all one would need to do is to bring forth "sufficient evidence to the contrary," as such would mean that a presumption could be utilized to disprove a presumption, which apparently finds no standing, no grounds, nor foundation within the Constitution of the United States, ie: "THE LAW, as determined by the people of the United States when mandating that '**no person shall be** held to answer for a crime nor be **deprived of life, liberty, or property without due process of law**.' The Courts have presumed that this applies only to criminal matters, however; **the deprivation(s) of the right to life, liberty, and/or property does not always involve a criminal matter**. **Note that the Fifth Amendment applies to civil matters as well and to bring forth evidence that is not solidified and/or based on reality as conclusive, denies the individual the secured right to innocence, and not to be deprived of life, liberty, and/or property, as presumption of law would violate the Due Process Clause of the FIFTH AMENDMENT of the Constitution for the United States of America**?

7. Since, 1 U.S.C. 112: Statutes at Large; contents admissibility as evidence and mandates that The United States Statutes at Large "Shall be legal evidence of laws." How is it possible for a presumptive code, where **only the title is construed as positive law**, to regulate what is or is not evidence of law? It does not promote due process nor does it make any sense. As demonstrated, it is fundamentally agreed upon by the Courts that statutes are not the law! It does not state that, due process can change the FACT that Statutes are not Law but only *Prima Facie*, as statutes, codes, regulations, and/or ordinances are not the law when we are referencing "THE SUPREME

LAW OF THE LAND." Is this not correct?

8. **To require a citizen to be "enjoined from filing any complaint, lawsuit, or petition for writ of mandamus, related to: "(i) the patents she held or holds, (ii) the more than 100 patent lawsuits she has filed, (iii) patent infringement, and/or (iv) any and all actions taken by individuals and corporations during the course of patent litigation involving Plaintiff" is an unconstitutional deprivation of Plaintiff's secured rights.**

Does this not amount to unjust enrichment on behalf of the Defendants by the Courts to the disadvantage of the Indian born, 74-year old, disabled female Citizen inventor of the Internet of Things (IoT) – Web Apps displayed on a Web browser? The Court's Orders D.I. 259, 258 are a violation of the Fifth Amendment to the United States of America's Bill of Rights guarantee which prohibits such a deprivation of due process. Does the Constitution prohibit the Government from subjecting citizens to such unconstitutional deprivations? Plaintiff hereby brings forth a formal CONSTITUTIONAL CHALLENGE, respecting any such requirement, rule, and/or statute, suggesting that such is a violation of Plaintiff's right to due process and to access the Court via redress of grievance.

9. The timing of D.I.s 259, 258 of 12/29/21 is beyond coincidental and beyond preparation and tending, crossing state lines requiring FBI investigation, timed to aid, abet and protect the felonies committed by Leland Davis III in California San Mateo County Superior Court Case 21CIV03199, in terrorizing Plaintiff in hate crime against her, violating public safety, and engineering a Hearing Transcript by Leland Davis III perjured by the Court Reporter A. Jaycox as true and accurate, produced on 12/15/21, 55 days after the Hearing was held on 10/22/21.

10. This Court has to reconcile how such practices can be constitutional. The First Amendment for the United States Constitutions' Bill of Rights, guarantees to every citizen and to every person in the United States **the right to petition the Government of the United States for a redress of grievance**. It further states that "Congress shall make no [budgetary rules, statute at large, Federal

code, Federal ordinance, penal code, penal ordinance, regulation, procedures, act, mandate, and/or other mechanism that interferes with the] law prohibiting and/or abridging the rights of the people to petition the Government for a redress of grievances."

11. The law states that, "Each person shall be secure in their persons, possessions, things, assets, property, and homes and that the only way to dispossess a party from these things is via a warrant based on probable cause." It appears that probable cause always implies Judicial determination and that Judicial determination references probable cause which requires sworn testimony and evidence to be presented before a Judicial official. In essence, isn't this a "hearing?" Judge Stark denied me due process by denying me a Hearing.

12. If witness testimony is required in order for my property, my possession, my rights, and/or my person to be seized, is Plaintiff not under the most fundamental principles of due process to be afforded and/or the opportunity of being present before the deprivation occurs? As such any hearing whereas a party, namely the Defendants and Judge Stark who is acting as Default Defendant(s), is requesting possession of property, possessions, person, affects, papers, is Plaintiff not to be afforded an opportunity to be present at such a hearing prior to the issuance of any such order for the deprivation of Plaintiff's property and/or rights associated with such property?

13. The Court is said to be operating under the Judicial Branch of Government, which means the Court has constitutional delegation, therefore; the question remains, why is the Court relying on presumption in order to deprive American Citizens, Members of the Public, and the People of rights secured them by the Constitution that are inalienable, despite the prohibitions against such deprivations? If the Court and the other officers of the Courts i.e. attorneys can rely on Court's opinion which is often termed as "case law," are the equal protection principles of the Declaration

of Independence applicable and are other members of society afforded the same right and the same credence when utilizing such documented opinion cites?

14. Since Congress has held that the statutes are only *prima facie* evidence of law, by definition, *prima facie* is not law and only a presumption of law, which is not supported by due process of law. Due process of law does not require one to rebut the presumption, for the law of maxim holds that - "… various authorities have taken that very position and asserted that every man is presumed to know the law, and some aver that such presumption is conclusive, a principle which, if carried to its logical conclusion, would render the judges of inferior Courts liable to impeachment when reversed on questions of law.

15. Please take special note of the following information as per the Constitution "Congress shall make no law," which has been understood to imply that Congress is the lawmaker within the borders of the United States.

16. Positive law codification by the Office of the Law Revision Counsel is the process of preparing and enacting a codification bill to restate existing law as a positive law title of the United States Code. The restatement conforms to the policy, intent, and purpose of Congress in the original enactments, however; the organizational structure of the law is improved, obsolete provisions are eliminated, ambiguous provisions are clarified, inconsistent provisions are resolved, and technical errors are corrected.

17. A positive law title of the Code is itself a Federal statute.

18. There exists multiple office practices and procedures that apply to all officers associated with the public trust, which, if this particular body exists without any point during these proceedings at any moment, it is believed that that would make the proceedings unconstitutional. Therefore, Plaintiff must bring forth the claim that Plaintiff does not believe that the oath of office

with a Judicial officer presiding over these proceedings is valid. Plaintiff believes that the oath of office is associated with the negating oath, otherwise known as “Negative Oath:”

Definition of Negative Oath in English: NOUN.

a. Negative confession (now historical).

b. (Now also) a promise not to do something or to abstain from something.

Origin: Mid Seventeenth Century; earliest use found in The Hamilton Papers: being selections from original letters in the possession of the Duke of Hamilton or, the Kol Nidrei, "**THE OATH THAT NULLIFIES**."

19. Kol Nidrei, the prayer which ushers in the holy day of Yom Kippur, is perhaps the most famous one in our liturgy. It is a statement that deals with promises, vows, and other types of verbal commitments commonly made in the course of the year. **The Torah places strict demands on keeping one’s word, and not fulfilling a vow is considered a serious misdeed**.

20. Kol Nidrei, which means "all vows," nullifies the binding nature of such promises in advance. One declares all future vows and promises invalid, by declaring that all vows are "absolved, remitted, cancelled, declared null and void, and not in full force or effect."

21. **Summary: The Statutes in Their Application**

22. **Presumption of "LAW."** As noted above presumption of law is not a law, and nowhere is such found in the Constitution. Reliance on a presumption that an individual is presumed innocent, is not what the Constitution states. The Constitution simply states that, "no person shall be held to answer." This simply means that the burden is upon the party bringing the claim and to prove their claim. Similar to the concept that this Court unconstitutionally ruled that Plaintiff did not bring forth a valid claim and dismissed Plaintiff’s complaint as Plaintiff ‘failed to state a claim whereby relief may be granted.' The statement that a person shall not be held does not in any way

imply that there is some sort of preponderance of evidence statute, and/or amendment in the Constitution. As noted above, a presumption does not exist, it is something that someone creates, the **law does not create presumptions**. It is a general rule of law that presumptions do not create their own foundations. How can a Court of law rely on something that is without foundation, such a reliance when applied to one of the people such as myself renders the whole notion a presumption of so-called law not only an oxymoron but unconstitutional?

23. ***Prima facie*, the evidence, *Prima facie* is not a rule of law**, as noted above, its reliance is on mere appearance and not actual law, the fact that *Prima facie* anything is not conclusive, and is not law. The making of a *prima facie* case does not change the burden of proof. How can this being a purported Court of law, required to rely on facts and conclusions of law, ever entertain a presumption, when such is not founded in law, is not conclusive, as it appears such is only the mere appearance of the reality, as explained above?

24. **Policies, Procedures, and Rules of The Court.** Plaintiff will be the first to admit, that rules and structure are absolutely necessary in a civilized community, however; where those rules are slighted in favor of one person or another and relied upon to an extent to where they disenfranchise a group of individuals, inventors against Big-Tech, the pauperis/poor people, violate the very foundation of inalienable rights and the supreme law of the land, the Bill of Rights. The Judiciary Act of September 24, 1789, otherwise known as Article Three, specifically stated that the pleading shall not be dismissed because it lacks form and/or format. That Act of Congress, Article Three, has never been repealed despite the attempted replacement by the Judiciary Act of the 1940's codified at Title 28 of the U.S.C. The rules of the Court that are out of harmony with the First Amendment's prohibition on rules and/or lawmaking which abridges the rights of the people, as well as the policies and procedures of the Court, which infringes and/or abridges the

rights of the people, in the free exercise of their secured rights is unconstitutional. These rules are created not by Congress or the lawmakers, but by some committee of nonelected officials and have a direct bearing upon the people such as Plaintiff while rendering its application arbitrary, capricious, and unconstitutional. As such is what this Plaintiff believes:

25. **The Right to Challenge is secure in the Constitution**. It is protected by the right to petition the Government for redress of grievances. It is the system that the people have chosen when enacting the First Amendment to the Constitution for the United States of America, the foundation for the Bill of Rights. This Court has ignored all objections, such objection as it appears may only be construed as a general challenge - "When challenging a statute on constitutional grounds, a party may present a facial challenge to the statute as a whole or challenge the statute as applied to a specific set of facts."

26. The Misapplication of the SOVEREIGN IMMUNITIES DOCTRINE has somehow been held that Judicial officers have blanketed qualified immunity. Such appears to operate as a rule, and not a law, as nowhere in the Constitution does it ever say that a trustee can violate the rights of the people, the grantors of the agreement and, also the beneficiaries of that trust agreement to remain unscathed. Immunity only applies when the individual is acting within the bounds of the Constitution and not outside the bounds of the Constitution as the immunity protection comes from the Constitution, and not some phantom presumptive law not endorsed and/or created by the people as a whole. As long as the Constitution grants the people the right to petition for redress and the Constitution prohibits anyone from depriving another of due process of law, which would include public officials, entrusted with the public trust, there can be at no point or time anything known as 'absolute immunity.' It is self-serving that this doctrine was possibly created for the benefit of judges. This makes it self-serving and disingenuous as well as unconstitutional. Such should be

the consideration of the people to determine since the Courts have stated that such a policy is for the absolute benefit of the people and not for the judges which is contrary to the reality, because it is the people such as myself whose rights are being infringed upon, by granting Judicial officers and other officers of the Court's blanket immunity and this Plaintiff as well as the Constitutional principles of Due PROCESS APPEAR TO object!

27. **Definition of the "SUPREME LAW OF THE LAND."** The universal meaning is the Bill of Rights giving supremacy to the laws of the land. Plaintiff believes that the Court approves a plain violation of Article VI of the Constitution of the United States which makes that Constitution "The supreme Law of the Land . . . anything in the Constitution or Laws of any State to the Contrary notwithstanding." A State may not encroach upon the individual rights of people except for violation of a law that is valid under the "law of the land." The "Law of the land" of necessity includes the supreme law and the Constitution itself.

28. The basic purpose of the Bill of Rights was to protect individual liberty against governmental procedures that the Framers thought should not be used. That great purpose was completely frustrated by D.I/s 259, 258. No State can put any kind of penalty on any person for claiming a Right/privilege authorized by the Federal Constitution. It is axiomatic that no person may be penalized for the exercise of a constitutional Right/privilege. The Courts continue to contradict themselves in their opinions and rulings because they are relying, it appears, on presumptive and/or persuasive law, **as opposed to facts and actual conclusions of the law of the land** and as Plaintiff, I definitely disagree and must charge that this practice infringes upon my rights and denies Plaintiff the right to access to justice. Plaintiff does hereby protest by way of challenge to such a practice, policy, and procedure.

29. The Rules of the Court, as stated above, are necessary, however, when the infringement

upon the rights of the people or make it so cumbersome that one is mentally disemboweled from the process, make such rules and their application upon the American people void as well as unconstitutional. The rules must adhere to due process, yet the rules are written in legal terminology for which the common man and/or woman and/or other reasonable person is not required to study legal terminology in order to access the Court, but that is the current environment. Where is the Federal Government's reliance upon such an unconstitutional practice, forcing a party to subject themselves and/or to submit to the jurisdiction of another is unconstitutional, jurisdiction cannot be assumed or presumed, is this not so? These are basic foundational principles and Plaintiff must object.

30. The Court's Orders D.I.s 259 and 258 do not describe a real existing matter of which the Court, according to its organization and purposes, may take jurisdiction. Describing a real existing matter is essential for *res adjudicata*. Without it, there is no *res* and no adjudication. Without it, the Court has nothing, tries nothing, and adjudges nothing. In 16 C.J. 176, the author says:

> "Jurisdiction to try and punish for a crime cannot be acquired otherwise than in the mode prescribed by Law, and if it is not so acquired any judgment is a nullity. A formal accusation is essential for every trial for crime, without it the Court acquires no jurisdiction to proceed, even with the consent of the parties, and where the law requires a particular form of accusation, that form of accusation is essential. Jurisdiction to try offenses is ordinarily acquired by an indictment, or in some jurisdictions by an information and where the indictment or information is invalid the Court is without jurisdiction." "Jurisdiction to take cognizance of an offense or to render a particular judgment cannot be conferred upon a Court by the consent of the accused, either express or inferential."

31. **Challenge Required:** If Jurisdiction to take cognizance of an offense or to render a particular judgment cannot be conferred upon a Court by the consent of the accused, either express or inferential, then why have the Courts presumed and/or assume jurisdiction without providing proof of jurisdiction, even in **cases such as this where jurisdiction has been challenged**. As noted above as to the statutes outlined in D.I.s 259, 258, for which the Court assumes subject

matter jurisdiction, is a challenge to the Court's jurisdiction, is this is not a correct assessment? So why has Plaintiff's challenge to the jurisdiction of the Court not been proved on the record, as by law?

32. The Clerk Style Manual reports that the caption must have the names with all capital letters, why is this? For there is some evidence that there is a long-standing practice of capitalizing or gaining control of an individual through capitalization. The Government Printing Office style manual states that any time the name is in all capital letters or block Capitals it denotes a non-sentient entity. https://www.govinfo.gov/content/pkg/GPO-STYLEMANUAL-2008/pdf/GPO STYLEMANUAL-2008-5.pdf. The clerk of the Court is part of the executive branch of Government. Are they following the same pattern and the same format? For that would be a violation of Plaintiff's rights and Plaintiff's right to practice religion, as I do believe that to take my name and to render it in all capital letters. Plaintiff does not spell her name in all capital letters nor does Plaintiff place her name in all block letters, because Plaintiff believes that by taking Plaintiff's name, and rendering it in the format of all blocked capital letters, diminishes her standing and status as well as capacity within this arena and Plaintiff must object.

33. Officers of the Court maintain a policy of adhering to the status quo and the capacities of the three branches of Government. It should be noted that consideration that has long been held that no two branches of Government can occupy the same space nor maintain the same power, that each branch of Government's function and authority is distinct and unique unto themselves. The delegation of authority and the separation of powers clauses prohibit such insurrections, because such a practice would be to war against the Constitution and the people themselves, making the practice unconstitutional. It is an intentional apparent encroachment upon the separation of POWERS mandate and an attempt to defraud Plaintiff and the general public and I object and

challenge such practices as unconstitutional.

34. The Dual Oath taking by Public Officials, Officers of The Court, and Trust Agents, is the oath that nullifies. It is believed that Judicial officers often take two different oaths, one to uphold the Constitution and another to nullify the oath to uphold the Constitution. Such is why they participate in the unconstitutional practices mentioned above. As stated earlier, Plaintiff does not believe that this is a violation of the intent of the people, the Framers of the Constitution, an agreement for which every public servant knowingly, intentionally, and deliberately consents to either by acts, actions, interactions, forbearances, conduct and/or performances, making such an agreement binding upon that party, and when carried with an oath, it makes the contract irrevocable as was the intent and will of the people. If that is true, that would make the jurisdiction of the Court unconstitutional, as the officers sitting as Judge are operating outside the limitations of the Constitution, and even if they were to swear upon the record, their testimony could not be taken as truthful. It appears that judicial immunity is a Court rule and not a law, because the Courts have continuously held that a Judge is protected by judicial immunity so long as he acts within the jurisdiction of his office, and that jurisdiction prohibits a Judge from lying on the record, as the record must remain true. D.I.s 259, 258 have made many FALSE OFFICIAL STATEMENTS. Judicial immunity is not a law but a rule that the People apparently never consented to, which appears to render and or subject such a rule unconstitutional and leaves it open for challenge and I do so in this instance because Judges Stark, Andrews and Federal Circuit assume protection by the same immunity in an unconstitutional manner and I must object.

35. **The Denial of the Protection of the Bill of Rights and associated Inalienable Rights**: The Court chose and presumed that it could apply a non-Bill of Rights guarantee, substitute the due process clause of the Fifth Amendment for that of a *prima facie* due process right/ privilege,

that I neither consented to nor agreed to waive my secured rights under the First, Fourth, Fifth, Sixth, Ninth, and Tenth Amendments and Plaintiff, as a matter of right, brings forth this challenge and objection to such a practice as unconstitutional.

36. **A CHALLENGE TO THE RESTRICTION** placed upon the people respecting the right to challenge a statute is unconstitutional, it has been held that ignorance of the law is inexcusable, as everyone is deemed to know the law and although statutes are not law, but only appeared to be law i.e. *Prima facie*, the claim that a party can only challenge a statute, rule, code, regulation, ordinance if they are directly affected by such code, rule, or regulation, is unconstitutional. If everyone is deemed to know the law, and the law applies equally to everyone, although as indicated above by Common Judicial Opinion, statutes, rules, regulations, codes are not law!, then the law applies and affects everyone equally, is it not so? Which means that it is unconstitutional to presume that a party cannot challenge a code, rule, regulation, statute, ordinance as unconstitutional, simply because they are not a party to a specific action, which means that, that code does not apply to them at every moment, but only at certain moments, which means it does not apply equally to every citizen of the United States which would make it unconstitutional, **because equal protection of law is shrouded in the foundation of the founding of this country i.e. the Declaration of Independence "All Men Are Created Equal."**

37. A Challenge to the unconstitutional requirement, which prohibits a learned jury from interpreting law and/or statute, there is nothing in the Constitution that says that a learned jury does not have the ability of interpreting law, as noted above, every citizen is required to know the law, which means that the jury is charged with enforcement of the law when they are judging a defendant or between parties, is this not correct, therefore; Plaintiff must hereby demand that my challenges be placed before a jury for them to determine whether or not my rights have been

violated, and whether or not these violations amount to unconstitutional practices. Would it not be in my best interests to have a jury make a determination as to whether or not a Judge has acted outside his capacity, than to have the Judge and/or the Judge's associates make such an impartial determination? Hence, Plaintiff does hereby challenge this unconstitutional requirement, of or prohibiting a jury from deciding all of the facts of a matter which they deem pertinent. Since challenges are construed as civil in nature, Plaintiff has the right to have a jury of my peers make a determination in this matter, and yet although there are no provisions for such, the right is secured by the Constitution, and a Judicial officer making such a determination when there was a conflict of interest, when the Judicial officer is clearly acting as an administrative branch officer. Plaintiff has asked again, is this or is this not a Court of law, and in this instance the law being the supreme law of the land, the Bill of Rights to the Constitution?

38. **Constitutional Challenge Checklist:**

39. **Plaintiff's right to a fair hearing was violated**. Such right is protected by the First, Fourth, Fifth, Sixth, Ninth, and Tenth Amendments of the Bill of Rights as well as the Declaration of Independence.

40. **Plaintiff's right to receive due process of law as expressed in the Bill of Rights** in referencing the common law of the People established and in place at the time of the construction of the Constitution. Common law was relied upon by the people prior to the formation of a Constitution and Plaintiff was not given an opportunity to challenge not only the statute, nor the jurisdiction, but the legality of the **corrupt process disorder** of the proceedings.

41. Plaintiff possesses a right to counsel of choice and was not afforded this right. In the event that Plaintiff had attempted to bring forth someone who was versed in law, the Courts have a policy, not a rule or a reliance on a law, but a long-standing policy of prohibiting citizens from

exercising their right to counsel of choice as secured in the Bill of Rights to the United States of America Constitution. Plaintiff feels that access to counsel would have better protected Plaintiff from encroachment.

42. **Plaintiff believes that Judge Stark acted outside the scope of his authority under the Judicial Branch of Government**. Plaintiff believes that the Court through its CRIS system, has monetized the instant matter in one way or another and is making a profit off of this case in violation of the Commerce Clause of the Constitution, as Government is prohibited from engaging in commerce and still maintaining sovereignty. "As any time the Government engages in commercial business activities, it abandons its sovereignty."

43. Plaintiff is in full disagreement that based upon the long-standing unconstitutional policies of the Court, that Judicial officers have absolute immunity and extend that very same immunity to the other officers of the Court, who are all part of the executive branch. This indicates they are acting outside the scope of their Judicial authority which is **a denial of Plaintiff's right to a fair and impartial hearing and to justice**, and

44. Plaintiff further believes that the Court and the EXECUTIVE BRANCH have joined together to intimidate Plaintiff as a scare tactic by permitting a U.S. Marshall to go to my home and accost me at public events to terrorize my person and for State Court judges to jeopardize public safety by terrorizing me at a Hearing in hate crime and to engineer a Hearing Transcript and committing felonies against me. I believe that this type of conduct amounts to coercion and/or tampering with a witness in this instant matter as Plaintiff stood as a witness to the facts.

45. Plaintiff further believes that **the use of presumptions** and/or *prima facie* so-called evidence **violates Plaintiff's due process rights**, as **the reliance upon appearance, and not on actual facts, invalidated the opposing parties position and the Court should have ruled in**

**Plaintiff's favor. No facts were presented by the opposing side, only the appearance of facts, which is a denial of Plaintiff's right to a fair trial based on facts and conclusions of the law of the land**.

46. Plaintiff further states that the Court violated Plaintiff's rights by ordering Plaintiff submitting to its jurisdiction without any type of indication that it was a choice. Plaintiff was not obligated to submit to the Court's jurisdiction as **it was incumbent upon the Court to approve all jurisdictional points associated with the alleged jurisdiction asserted. This further violated Plaintiff's right to due process**.

47. Dr. Arunachalam, hereby, files this **Traverse Special** against Judge Stark's entire FALSE OFFICIAL STATEMENTS in D.I.s 258 and 259, replete with MATERIAL OMISSIONS, constituting defamation of Dr. Arunachalam's impeccable credentials and her significant inventions that have transformed the world. This has caused irreparable financial and physical injury to Dr. Arunachalam. Dr. Arunachalam denies and objects to Judge Stark's allegations in their entirety. I object to the entirety of Judge Stark's Orders D.I.s 259 and 258.

48. **Judge Stark ruled, without jurisdiction, without considering Plaintiff's obligatory constitutional evidence, where Judge Stark was obliged to uphold the Laws of the Land above all else, after breach of oath of office**.

49. Dr. Arunachalam, hereby, Orders the Court to Show Cause why it should not Vacate its Orders D.I.s 259 and 258, and enter a new and different order that is in accord with the Laws of the Land; and to Show Cause why Judge Stark's Orders are not NULLITIES, when he has not proven jurisdiction upon challenge and has breached his oath of office; and when Judge Stark's Orders D.I.s 258, 259 are replete with FALSE OFFICIAL STATEMENTS and willful MATERIAL OMISSIONS; and to Show Cause why D.I.s 258, 259 should not be corrected

immediately by another Judge by vacating Judge Stark's Orders that are NULLITIES, as Judge Stark lost his jurisdiction, and why Plaintiff will not suffer irreparable injury without this redress and why that injury will not be greater than the injury to her litigation adversaries, if Judge Stark's Orders are not vacated. Dr. Arunachalam has raised a substantial issue.

50. **Three Elements Exist Here That Have Rendered Judge Stark's Rulings Vacatable:**

| **Existence of Inherent Fraud** | **Existence of Inherent Lack of Bona Fide Jurisdiction** | **Existence of Inherent Lack of Bona Fide Due Process of Bona Fide Law** |
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37 Am Jur 2d at section 8 states, in part:

> "Fraud vitiates every transaction and all contracts. …fraud destroys the validity of everything into which it enters, and that it vitiates the most solemn contracts, documents, and even judgments."
>
> "…The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; … An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. … Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it."
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> "A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby."
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> "No one is bound to obey an unconstitutional law and no courts are bound to enforce it."- Sixteenth American Jurisprudence Second Edition, 1998 version, Section 203 (formerly Section 256)
>
> "Since there is no statute of limitations on fraud, jurisdiction can be challenged at any time, even after a case has been "decided."
>
> **"Jurisdiction**: the power to hear and determine a case. 147 P.2d 759, 761. This power may be established and described with reference to particular subjects or to parties who fall into a particular category. In addition to the power to adjudicate, a **valid** exercise of jurisdiction requires fair **notice** and **an opportunity** for the affected parties **to be heard**. **Without jurisdiction, a court's judgment is void.** A court must have both SUBJECT MATTER JURISDICTION and PERSONAL JURISDICTION."

> **"Subject Matter Jurisdiction** refers to the competency of the court to hear and determine a particular category of cases." Barron's Law Dictionary, Fourth Edition.
>
> "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable … seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing … **the persons or things to be seized**." - 4th Amendment.
>
> "No person shall be held to answer …, nor be deprived or life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation." -5th Amendment.
>
> "… the accused shall enjoy the right to a speedy and public trial, by an impartial jury … and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defence." – 6th Amendment.
>
> "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." – 9th Amendment.
>
> "The powers not delegated to the United States by the Constitution,…are reserved … to the people." – 10th Amendment.
>
> "All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary." Art. I, Sec 2, Ohio State Constitution.

51. **Statement of Substantial Issue:** Judge Stark has no signed oath of office, and has not produced it upon challenge. The Judge had a duty and failed in his duty to uphold the Laws of the Land. He failed to abide by his oath of office. **The procedural posture is corrupted in its entirety**. The Judge has an obligation to listen to both sides of the story before he could make an informed decision. He refused to accept or consider Plaintiff's evidence which is based on a constitutional question. By not reading my evidence, the Judge denied Dr. Arunachalam Equal Protection of the laws and discriminated against Dr. Arunachalam, the Judge committed hate crime against Dr. Arunachalam. The same is true of Judge Andrews who admitted he held stock in Defendants JPMorgan Chase & Co. and Exxon Mobil Corporation. He lost jurisdiction and Judge

Andrews' rulings, Orders and Judgments are NULLITIES in all of Dr. Lakshmi Arunachalam's and her companies' cases. Judge Stark's Orders of 12/29/21 are NULLITIES, as he has no signed oath of office and even if he does have an oath of office, he breached his oath of office by violating the contract clause, separation of powers clause of the Constitution and *stare decisis* Supreme Court First Impression rulings by Chief Justice Marshall in *Trustees of Dartmouth College v. Woodward* and *Fletcher v. Peck*. This has crossed state lines and the San Mateo County Superior Court Judge Leland Davis III ordered the clerks to predate his Orders, post-date Dr. Arunachalam's filings, alter the titles of her filings, alter the public record and has committed multiple felonies and the Court Reporter A. Jaycox has aided and abetted Leland Davis III in his malfeasance, misfeasance and non-feasance by providing a False Transcript and perjured that she provided a true and accurate record of what happened at the Hearing on 10/22/21 in Case 21CIV03199 when Leland Davis III committed hate crime and financial extortion against Dr. Arunachalam, a 74-year old female citizen born in India and inventor of the Internet of Things (IoT) – Web Apps displayed on a Web browser. Judges Stark, Andrews, Leland Davis III are determined not to give Dr. Arunachalam a fair hearing.

52. **Plaintiff Will <u>Suffer Irreparable Injury Without Vacating Judge Stark's Orders</u>.** Judge Stark has ordered Dr. Arunachalam to show cause why she should not be enjoined from filing any complaint, lawsuit, or petition for writ of mandamus et al, for which he nor, Judge Andrews nor the Defendants have provided any supported evidence, particularly when there are issues of material facts and the Law of the Land that prevent him from doing so. Judge Stark, without jurisdiction and with no signed oath of office, like Judge Andrews and Leland Davis III, has committed hate crime against Dr. Arunachalam and financial extortion on a female senior citizen of color, discriminated against her, denying her Equal Protection of the laws and has committed civil rights violations. **<u>Her patent properties are worth trillions of dollars and have</u>**

**enabled the nation to work remotely because of her inventions**. Judges Stark, Andrews and Leland Davis III are without jurisdiction. Dr. Arunachalam will suffer further irreparable injury without vacating Judge Stark's Orders D.I.s 158 and 259. Furthermore, it is absolutely imperative that Judge Stark's Orders be vacated immediately, **because it is the law** that Judge Stark have a signed oath of office, notwithstanding that Judge Stark has breached his oath of office.

53. **Injury Plaintiff Will Suffer Will Be Greater Than The Injury To Her Litigation Adversaries, If Judge Stark's Orders Are Not Vacated.**

54. Judge Stark has no signed oath of office and his Orders are NULLITIES. But he continues to corrupt the process and procedures of the court.

55. **Judge Stark has corrupted the entire court, President Biden and the Federal Circuit in a criminal enterprise in a racketeering conspiracy with Judge Richard G. Andrews and the Federal Circuit**. Judge Stark has violated the Civil Rights Act of 1964 by discriminating against Dr. Arunachalam, a disabled female senior citizen of color and a constitutional scholar and inventor of the Internet of Things (IoT) – Web Apps displayed on a Web browser. Judge Stark's Orders must be vacated urgently, as it is mandatorily necessary to put a stop to the multiple felonies committed and continuing to be committed by Judges Stark, Andrews, Leland Davis III, Federal Circuit Judges, and clerks against Dr. Arunachalam, subjecting her to emotional duress. Defendants and Judge Stark have cited false Orders that are NULLITIES. Defendants would not suffer one bit if Judge Stark's Orders were vacated. Judge Stark and the Defendants obstructed justice for over 2 years now by **not** letting the case proceed to jury trial, by citing a frivolous, false, vexatious, malicious Order sanctioning Dr. Arunachalam as a vexatious litigant, with unsupported allegations.

56. **RECENT U.S. SUPREME COURT RULING ON 4/29/21 IN *GARLAND V. AGUSTO NIZ-CHAVEZ* REITERATES THAT DENIAL OF MY RIGHT TO A NOTICE OF HEARING AND OPPORTUNITY TO BE HEARD VOIDS ALL THE ORDERS BY ALL THE COURTS.**

The U.S. Supreme Court on 4/29/21 in a ruling faulted the federal government for improperly notifying a man to appear for a removal hearing. The justices overturned a lower court's/Sixth Circuit's decision against improper notice of a hearing in *Garland v. Agusto Niz-Chavez.* On that basis alone, the Orders in all of Dr. Arunachalam's and her company's cases are void, because **there was never a hearing, nor a notice of any hearing, in an egregious unprecedented denial of due process in over a 100 cases.**

57. **DEFENDANTS' SOLICITED AND CONSPIRED "WITH THE GOVERNMENT TO COMMIT ACTIONS WHICH VIOLATE THE DUE PROCESS CLAUSES OF THE CONSTITUTION."**

> "Where a private person is acting jointly with state officials in a prohibited action, they are said to be acting under the "color of the law" for the purposes of 42 U.S.C. § 1983. …it remains that private citizens may be held criminally liable for a federal felony or misdemeanor, if they conspire with the government to commit actions which violate the due process clauses of the constitution." *Adickes v. S. H. Kress & Co.*, 398 U.S. 144, 152, 90 S. Ct. 1598, 1605-06 (1970).

DEFENDANTS and Judges conspired to injure, oppress, threaten, or intimidate Dr. Arunachalam in the free exercise or enjoyment of any right or privilege secured to her by the California Constitution and by the Constitution or laws of the United States. Defendants have Solicited this Court to subject Dr. Arunachalam to pains, punishments or penalties, by reason of her color or race and have caused bodily injury and emotional duress to Dr. Arunachalam.

*See Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868 (2009) in which the United States Supreme Court held that the Due Process Clause of the Fourteenth Amendment requires a judge to recuse not only when actual bias has been demonstrated or when the judge has an economic interest in the outcome of the case, but also **when "extreme facts" create a "probability of bias."** The appearance of and a real conflict of interest on the part of Judge Andrews, the Federal Circuit Judges as well as PTAB APJs McNamara and Siu is so "extreme" that their failure to recuse themselves constituted a violation of Dr. Arunachalam's Constitutional right to due process under

the Fourteenth Amendment. "On these extreme facts the probability of actual bias rises to an unconstitutional level" and "provide[s] the makings of a constitutional crisis." *See Nevada Commission on Ethics v. Carrigan*, 564 U.S. 117(2011).

58. **TRIAL BY JURY IS AN INVIOLATE RIGHT AND SHALL BE SECURED TO ALL:**

**Levels of Scrutiny:** If the governmental action infringes upon a fundamental right, as here, the highest level of review—strict scrutiny—is used. This inquiry balances the importance of the governmental interest being served and the appropriateness of the government's method of implementation against the resulting infringement of individual rights. To pass strict scrutiny review, the law or act must be narrowly tailored to further a compelling government interest. *See Bolling v. Sharpe* 347 U.S. 497 (1954); *Lawrence v. Texas*, 539 U.S. 558 (2003); *United States v. Carolene Products Co.*, 304 U.S. 144 (1938), footnote 4.

Dr. Arunachalam was denied her Right to Constitutional Remedies, the most important fundamental right, because it ensures the protection of our fundamental rights. Judge Stark denied Dr. Arunachalam the following basic rights granted to every US citizen, based on the Constitution:

- Right to a Fair Trial.
- Right to Freedom of Speech and Expression.

59. **JUDGE STARK DENIED Dr. Arunachalam PROCEDURAL DUE PROCESS AND HER RIGHT TO LIFE, LIBERTY AND PROPERTY:**

1. An unbiased tribunal.

   "[I]f there is [any] reasonable factual basis for doubting the judge's impartiality, he should disqualify himself *and let another judge preside over the case.*" *Marbury v. Madison*, 1 Cranch 137, 5 U. S. 177 (1803).

2. Notice of the proposed action and the grounds asserted for it.
3. Opportunity to present reasons why the proposed action should not be taken.
4. The right to present evidence, including the right to call witnesses.

5. The right to know opposing evidence.
6. The right to cross-examine adverse witnesses.
7. A decision based exclusively on the evidence presented.
8. Opportunity to be represented by counsel.
9. Requirement that the tribunal prepare a record of the evidence presented.
10. Requirement that the tribunal prepare written findings of fact and reasons for its decision.

There was no proper governmental objective to restrict Dr. Arunachalam's liberty rights.

To put it more simply, where an individual is facing a deprivation of life, liberty, or property, procedural due process mandates that he or she is entitled to adequate notice, a hearing, and a neutral judge.

DEFENDANTS and Judges engaged in speech that incites imminent lawless action, speech that violates intellectual property law, and made true threats against Dr. Arunachalam, which are categories of speech that are given no protection by the First Amendment. DEFENDANTS and Judges defamed Dr. Arunachalam. Defamation that causes harm to reputation is an exception to free speech. Where there is fraud and treason, there is no statute of limitations.

In *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974), the Supreme Court said that there is "no constitutional value in **false statements of fac**t." *Milkovich v. Lorain Journal Co.*, 497 U.S. 1 (1990).

The Supreme Court has established a complex framework for determining which *types* of **false statements are unprotected**. See *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749 (1985). First, **false statements of fact that are said with a "sufficiently culpable mental state" can be subject to civil or criminal liability**. Second, **knowingly making a false statement of fact** can sometimes be punished. Libel and slander laws fall under this category.

Third**, negligently false statements of fact may lead to civil liability** in some instances. Lastly, **some implicit statements of fact—those that have a "false factual connotation"—can also fall under this exception.** *Milkovich v. Lorain Journal Co.*, 497 U.S. 1 (1990). **And furthermore, on the "extreme facts" of the case, the probability of "actual bias" has risen to "an unconstitutional level" and "provide[s] the makings of a constitutional crisis."**

**THIS COURT MUST TAKE JUDICIAL NOTICE OF STANFORD UNIVERSITY'S DR. MARKUS COVERT'S AND DR. JAY TENENBAUM'S EXPERT TESTIMONY DECLARATIONS FILED AT THE USPTO, AND *AMICUS CURIAE* DANIEL BRUNE'S *AMICUS CURIAE* BRIEF FILED IN THE CITIBANK CAFC CASE 20-2196 and Amicus Curiae Fred Garcia's *Amicus Curiae* Brief filed in the Federal Circuit and in the U.S. Supreme Court in my cases.** These only reinforce that Judge Stark made FALSE OFFICIAL STATEMENTS in D.I.s 259, 258.

Judge Stark materially omitted that DEFENDANTS have unjustly enriched themselves in the order of trillions of dollars, stole Dr. Arunachalam's inventions after signing NDAs, and is now relying upon void Orders by Judges who had no jurisdiction to begin with due to financial and other conflicts of interest.

DEFENDANTS and Judges frustrating the proceedings is an attempt to impede the administration of justice. DEFENDANTS have made it burdensome, expensive and hazardous for Plaintiff to have access to the court, on the very question of due process, which Plaintiff was denied in all of her cases, all in violation of the constitutional provision.

60. **JUDGE STARK'S ORDERS D.I.s 259, 258 ARE ILLEGAL AND UNCONSTITUTIONAL IN VIOLATION OF PLAINTIFF'S RIGHT TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES, AND ARE BASED ON FALSE OFFICIAL STATEMENTS, AND VIOLATES THE CIVIL RIGHTS ACT OF 1866 (§1981) — Dr. Arunachalam's RIGHT TO SUE. FEDERAL**

**CIRCUIT'S DEFAMATORY ORDERS IN 20-1493 ARE VOID. FEDERAL CIRCUIT JUDGE CHEN HAS A CONFLICT OF INTEREST AND CANNOT PRESIDE OVER ANY OF Dr. Arunachalam's CASES, BECAUSE HE WORKED AT KNOBBE MARTENS, WHEREAS KNOBBE MARTENS OFFERED TO REPRESENT Dr. Lakshmi Arunachalam AGAINST IBM AND GOT HER CONFIDENTIAL INFORMATION AND SUBSEQUENTLY REPRESENTED MICROSOFT AND INTELLECTUAL VENTURES WHEN THEY WERE PRECLUDED FROM REPRESENTING ANY PARTY ADVERSARIAL TO Dr. Arunachalam. FEDERAL CIRCUIT JUDGE KARA STOLL RECUSED FROM Dr. Arunachalam's CASES, BECAUSE OF A SIMILAR CONFLICT OF INTEREST WHEN FINNEGAN HENDERSON GOT Dr. Arunachalam's CONFIDENTIAL INFORMATION AND SUBSEQUENTLY REPRESENTED FEDEX. ALL FEDERAL CIRCUIT ORDERS ARE VOID, IN ALL OF Dr. Arunachalam's AND HER COMPANY'S CASES. MICROSOFT SIGNED NDAs WITH Dr. Arunachalam IN 1996, IBM SIGNED NDAs STARTING IN 1995, SAP SIGNED NDAs STARTING IN 2003.**

The inferior courts and large Corporations and their attorneys and IPLaw360 falsely defamed Dr. Arunachalam in a culmination and perpetration of hate crime against her, in a malicious and sadistically harmful retaliatory pattern, for Dr. Arunachalam simply asking them to perform their ministerial duty to uphold the Supreme Law of the Land, while she is fighting for her property rights and constitutional rights.

The Federal Circuit denied Dr. Arunachalam access to the courts and failed to docket her Combined Petition for Hearing and *En Banc* Rehearing of its defamatory hate crime Orders of 3/1/21 and 4/5/21, replete with FALSE OFFICIAL STATEMENTS.

**THIS COURT MUST TAKE JUDICIAL NOTICE THAT:** Federal Circuit Judge Chen has a conflict of interest and cannot preside over any of Dr. Arunachalam's Cases, because he worked at Knobbe Martens, which offered to represent Dr. Arunachalam against IBM and intook her confidential information and subsequently represented Microsoft and Intellectual Ventures, when they were precluded from representing any party adversarial to Dr. Arunachalam.

**All Federal Circuit Orders are Void, in all of Dr. Arunachalam's and her company's cases, because of Circuit Judge Chen's conflict of interest from Knobbe Martens.**

**THIS COURT MUST TAKE JUDICIAL NOTICE THAT:** Microsoft signed NDAs with Dr. Arunachalam in 1996, IBM signed NDAs starting in 1995, SAP signed NDAs starting in 2003. Knobbe Martens knew all of this. **This only reinforces that Circuit Judge Chen is conflicted out, lacked jurisdiction and all his Orders are void in all of Dr. Arunachalam's and her company's cases**.

**THIS COURT MUST TAKE JUDICIAL NOTICE THAT:** Statements by the courts, clerks, and DEFENDANTS and PTAB APJs for their own self-serving interests do not make Dr. Arunachalam, a "frivolous," or "malicious" or "vexatious" litigant, but constitute FALSE OFFICIAL STATEMENTS and defamation, and they have been unable to provide an iota of evidence of such conduct on the part of Plaintiff, and without an iota of truth in reckless disregard for the truth and have damaged Dr. Arunachalam physically, mentally and financially.

61. **Dr. Arunachalam's RIGHT TO APPEAL IS A FUNDAMENTAL RIGHT. DEFENDANTS AND THE FEDERAL CIRCUIT INDIVIDUALLY AND COLLUSIVELY DENIED HER THE RIGHT TO APPEAL. LIKEWISE, Dr. Arunachalam's RIGHT TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCE IS A FUNDAMENTAL RIGHT AND JUDGE STARK IS PROPOSING TO UNCONSITUTIONALLY AND UNLAWFULLY DENY HER *THE RIGHT TO SUE* IN VIOLATION OF THE CIVIL RIGHTS ACT OF 1866 (§1981) AND IN VIOLATION OF THE FIRST AMENDMENT TO THE U.S. CONSTITUTION. Dr. Arunachalam's RIGHT TO PROTECT HER PROPERTY AND REPUTATION ARE FUNDAMENTAL RIGHTS THAT CANNOT BE DENIED.**

The Civil Rights Act of 1866 declared that all people born in the United States are U.S. citizens and had certain **inalienable rights**, including **the right** to make contracts, to own property, **to sue in court**.

62. **JUDGES and OFFICIALS ARE NOT IMMUNE, THEY ARE INDIVIDUALLY LIABLE, PARTICULARLY IN VIEW OF THE U.S. SUPREME COURT'S RECENT RULINGS IN *TAYLOR V. RIOJAS*, 592 U.S. __ (2020) IN U.S. SUPREME COURT CASE NO. 19-1261; AND, *TANZIN V. TANVIR*, U.S. SUPREME COURT CASE NO. 19-71, 592 U.S. __ (2020); AND, FURTHER IN VIEW OF VIOLATIONS OF THE RELIGIOUS FREEDOM RESTORATION ACT.**

Judges and officials violated the law. They do not enjoy any immunity.

63. **JUDGE STARK'S ALL OTHER OBJECTIONS IN D.I.s 259, 258 ARE INVALID.**

Judge Stark's objections cannot hold. Attorneys continue to defame, slander and libel Plaintiff by lying to this Court. Plaintiff responds with U.S. Supreme Court precedents:

> "In appraising the sufficiency of the complaint, we follow, of course, the accepted rule that a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Scheuer;* ***Conley v. Gibson,*** 355 U. S. 41, 45-46 (1957).

Judge Wynn, in the U.S. Court of Appeals for the Fourth Circuit, argued that the majority had improperly "ignore[d] the factual underpinnings of the *Swierkiewicz* holding, looking solely to the Supreme Court's 2009 decision in *Iqbal* to guide its decision," and noted that **lower federal courts "have no authority to overrule a Supreme Court decision no matter how out of touch with the Supreme Court's current thinking the decision seems**."

> "*Twombly* explicitly quoted and embraced the language from *Conley* that enshrined **notice pleading** into federal practice: "**All the Rules require is a short and plain statement of the claim that will give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests**."
>
> "…it's important to pay attention to *Twombly's* actual reasoning on this point. Justice Souter's concern was that a "focused and literal reading" of that phrase ("no set of facts") would preclude dismissal "whenever the pleadings left open the possibility that a plaintiff might later establish some set of undisclosed facts to support recovery." OK, let's pretend that courts actually applied this "focused and literal reading" of *Conley*. And suppose I file a complaint that alleges:
>
> 1. [Jurisdictional statement]
> 2. The Earth is round.
> Therefore, I demand judgment against one or both defendants for $ <_____>, plus costs.
>
> One can imagine any number of facts that are consistent with both (1) the Earth being round, and (2) me having a claim for relief against the defendants. Thus, this complaint would "le[ave] open the possibility" that I "might later establish some set of undisclosed facts to support recovery." Under the reading of *Conley* that *Twombly* retired, my complaint should pass muster.
>
> Obviously this is not at all what Justice Black meant when he penned the "no set

> of facts" sentence in *Conley*. Nor was that nonsensical reading of *Conley* over the foundation for classic notice-pleading precedents like *Scheuer*, *Leatherman*, or *Swierkiewicz*. But it was only this straw-man reading of *Conley* that *Twombly* "retired."
>
> Once *Twombly*'s handling of *Conley* is clarified, this reality remains: there is not a single meaningful aspect of pre-*Twombly* case law that is explicitly rejected by *Twombly* or *Iqbal*. From the standpoint of the lower federal courts, at least, any approach to pleading that would defy pre-*Twombly* Supreme Court precedent is highly suspect." Adam Steinman, Civil Procedure and Federal Courts Blog, 3/18/15.

Dr. Arunachalam's Complaint is consistent with notice-pleading and with accepting as true the straightforward allegations Dr. Arunachalam has made in her Complaint.

Dismissal with prejudice is warranted only when "the allegation of other facts consistent with the challenged pleading could not possibly cure the deficiency." *Belizan v. Hershon*, 434 F.3d 579, 583 (D.C. Cir. 2006); cf. *Rollins v. Wackenhut Services, Inc.*, 703 F.3d 122, 132-33 (D.C. Cir. 2012). This is not the case here.

64. **THIS COURT MUST LET THE CASE PROGRESS.** In over a 100 cases, Judges have not allowed the case to even progress to a Case Management Conference and got the case dismissed with their material omissions and FALSE OFFICIAL STATEMENTS and impeded the administration of justice.

65. **ALL OF Dr. Arunachalam's Cases HAVE BEEN PRESIDED OVER BY JUDGES AND PTAB APJs WHO LACKED JURISDICTION DUE TO DIRECT STOCK IN THE DEFENDANT OR OTHER CONFLICTS OF INTEREST AND ALL ORDERS THUS FAR ARE VOID. JUDGE STARK's FALSE OFFICIAL STATEMENTS IMPEDING THE ADMINISTRATION OF JUSTICE CONSTITUTE HATE CRIME IN CIVIL RIGHTS VIOLATIONS AGAINST Dr. Arunachalam.**

Circuit Judge Chen is conflicted out, as detailed *supra*, voiding all of the Federal Circuit Orders in Plaintiff's cases. PTAB APJs McNamara and Siu, per their own Financial Disclosure Statements, held direct stock in Microsoft and harassed Dr. Arunachalam, by not recusing and then sanctioning her by taking away her electronic filing privileges for McNamara's own

misconduct, as Chief Justice Marshall declared in *Dartmouth College* for "the crime committed by the Adjudicators, ***not*** by" Dr. Arunachalam. Judge Andrews, per his own admission, held direct stock in JPMorgan and lost subject matter jurisdiction in all of Dr. Arunachalam's cases.

66. **MATERIAL OMISSIONS OF INTRINSIC AND OTHER EVIDENCE FURTHER REINFORCES THEIR FALSE OFFICIAL STATEMENTS.**

Courts have ignored the *material omissions* Defendants JPMorgan Chase & Co, Tulin, Nemec, Kunz and Saunders have blatantly made of intrinsic evidence of Patent Prosecution History in their so-called "*JPMC*" case and other cases against Dr. Arunachalam, contrary to Supreme Court precedents as in *Festo Corp. v Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722 (2002); and breaching their oaths of office and propagating the FALSE OFFICIAL STATEMENTS in multiple courts, goading others to follow their example in their war on the Constitution, and to go contrary to *stare decisis* Supreme Court precedents as *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819); *Grant v. Raymond,* 31 U.S. 218 (1832); *U.S. v. American Bell Telephone Company*, 167 U.S. 224 (1897); *Fletcher v. Peck,* 10 U.S. 87 (1810). Judges' breach of oaths of office is war on the Constitution, as per *U.S. v. Burr*, 25 F. Cas. 55, 161 (CCD, Va. No. 14693). Judge Stark's Orders in the instant case are replete with FALSE OFFICIAL STATEMENTS constituting defamation against Dr. Arunachalam, in reckless disregard for the truth and have damaged Dr. Arunachalam.

67. **JUDICIAL IMMUNITY IS UNCONSTITUTIONAL, PER SUPREME COURT PRECEDENTS.**

> "A plaintiff may sue a federal officer in his/her INDIVIDUAL CAPACITY without implicating sovereign immunity concerns." *See Hafer v. Melo*, 502 U.S. 21 (1991).

Dr. Arunachalam may not be denied her rights to the Supreme Court ruling in early 2021 in *Tanzin v. Tanvir*, U.S. Supreme Court Case 19-71, 592 U.S. __ (2020), that authorizes INDIVIDUAL CAPACITY CLAIMS AGAINST FEDERAL OFFICERS.

JUDGES, acting as defacto Defendant(s), dismissing Dr. Arunachalam's cases without a hearing, breaching their oaths of office and in their Denial of Dr. Arunachalam's Due Process Right to be Heard and Right to Sue and making FALSE OFFICIAL STATEMENTS like Judge Andrews and the Federal Circuit, solicited by Big-Tech, all of whom subjected Dr. Arunachalam, a disabled 74-year old Hindu/LDS female citizen of color of Asian origin inventor of significant inventions, to ignominy and threats to destroy and destruction of property and person, based on a falsely alleged collateral estoppel from void orders by a financially conflicted judge with no jurisdiction, condemning without inquiry, in FALSE OFFICIAL STATEMENTS made by Courts, in reckless disregard for the truth, without an iota of evidence — pursuant to *stare decisis* United States Supreme Court precedents, namely, *Festo Corp. v Shoketsu Kinzoku Kogyo Kabushiki Co*., 535 U.S. 722 (2002) on not considering material *prima facie* intrinsic evidence, namely, Patent Prosecution History; *Grant v. Raymond*, 31 U.S. 218 (1832) in violation of the sanctity of contracts with the inventor; *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819) in violation of the Supreme Law of the Land – "The law of this Case is the law of all – there is no case or controversy…," as declared by Chief Justice John Marshall; *Fletcher v. Peck*, 10 U.S. 87 (1810) on repudiating Government-issued patent grant contracts, impairing the obligation of contracts prohibited by the Contract Clause of the Constitution; the Separation of Powers and Appointments Clauses of the Constitution; the Bill of Rights; 9th and 14th Amendments; 35 U.S.C. §282; Judicial Canons 2, 2A, 3A(1), 3A(4), 3A(5), 3B(1), 3B(2), 3B(6), 3C(1); violating Civil Rights Act of 1866 (§1981); Religious Freedom Restoration Act (RFRA); 10 U.S.C. §907, Art. 107; 18 U.S.C. §§241, 245, 249 — makes their Orders "void and unconstitutional," as declared by Chief Justice John Marshall.

A Grant and 'Patent Prosecution History Estoppel' ***cannot be voided by a judge***.

"There can be no judgment or choice if a "'federal statute, regulation or policy specifically prescribes a course of action for an employee to follow."

"By law, a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). When a judge acts as a trespasser of the law, when a judge does not follow the law, the Judge loses subject-matter jurisdiction and the judges' orders are not voidable, but VOID, and of no legal force or effect. ... "when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." *Scheuer v. Rhodes*, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974).

"Where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction." *Bradley v. Fisher*, 13 Wall. 335, 20 L.Ed. 646 (1872).

"**In 1996, Congress passed a law that judicial immunity does not exist**; citizens can sue judges for prospective injunctive relief."

"**Our own experience is fully consistent with the common law's rejection of a rule of judicial immunity. We never have had a rule of absolute judicial immunity**… seven circuits have indicated affirmatively that **there is no immunity... to prevent irreparable injury to a citizen's constitutional rights**..." "Subsequent interpretations of the Civil Rights Act by this Court acknowledge Congress' intent to reach unconstitutional actions by all state and federal actors, including judges... The Fourteenth Amendment prohibits a state [federal] from denying any person [citizen] within its jurisdiction the equal protection under the laws. Since a State [or federal] acts only by its legislative, executive or judicial authorities, the constitutional provisions must be addressed to those authorities, including state and federal judges..." "We conclude that judicial immunity is not a bar to relief against a judicial officer acting in her [his] judicial capacity." *Pulliam v. Allen*, 466 U.S. 522 (1984); 104 S. Ct. 1781, 1980, 1981, and 1985.

"… a ministerial officer who acts wrongfully… is … liable in a civil action and cannot claim the immunity of the sovereign." *Cooper v. O'Conner*, 99 F.2d 133.

How, then, can it be contended, that the very same instrument, in the very same section, should be so construed, as that this same circumstance should withdraw a case from the jurisdiction of the Court, where the constitution or laws of the United States are supposed to have been violated? The constitution gave to every person having a claim upon a State, a right to submit his case to the Court of the nation. However unimportant his claim might be, however little the community might be interested in its decision, the framers of our constitution thought it necessary for the purposes of justice, to provide a tribunal as superior to influence as possible, in which that claim might be decided."

"…why should these cases be excepted from that provision which expressly extends the judicial power of the Union to all cases arising under the constitution and laws?"

The U.S. Supreme Court stated:
"No … judicial officer can war against the Constitution without violating his undertaking to support it." -- *Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401 (1958); *Cohens v. Virginia* (1821), *supra*;

"**If a judge does not fully comply with the Constitution, then his orders are void, s/he is without jurisdiction, and s/he has engaged in an act or acts of treason**." -- *Cooper v. Aaron, supra*;

"…if a court is without authority, its judgments and orders are … nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them… all persons concerned in executing such judgments …are considered, in law, as trespassers." -- *Elliot v. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828);

*See Scheuer v. Rhodes, (supra),* (citing from *Ex parte Young*, 209 U. S. 123 (1908));
Justice Douglas, in his dissenting opinion at page 140 said, "**If (federal judges) break the law, they can be prosecuted**." Justice Black, in his dissenting opinion at page 141 said, "Judges, like other people, can be tried, convicted and punished for crimes... The judicial power shall extend to all cases, in law and equity, arising under this Constitution." *Chandler v. Judicial Council of the 10th Circuit*, 398 U.S. 74, 90 S. Ct. 1648, 26 L. Ed. 2d 100 (1970).
"No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it."
"It is the only supreme power in our system of government, and every man who, by accepting office participates in its functions, is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes on the exercise of the authority which it gives." *U.S. v. Lee*, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171 (1882).

"When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost." *Zeller v. Rankin*, 101 S.Ct. 2020, 451 U.S. 939, 68 L. Ed 2d 326"

"The courts are not bound by an officer's interpretation of the law under which he presumes to act." *Hoffsomer v. Hayes*, 92 Okla 32, 227 F. 417.

"**Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation**

> **of the supreme law of the land. The judge is engaged in acts of treason**." *Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401 (1958).
>
> "No judicial process…can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and **an attempt to enforce it beyond these boundaries is nothing less than lawless violence**." *Ableman v. Booth*, 21 Howard 506 (1859).
>
> "…**No state legislator or executive or judicial officer can war against the Constitution without violating his solemn oath to support it**." *Brown*, p. 358 U. S. 18.
>
> "Quashing of 'Granted Patents' or property cannot be squared with the command of the Fourteenth Amendment that no State shall deny to any person within its jurisdiction the equal protection of the laws."
>
> "A State acts by its legislative, its executive, or its judicial authorities. …The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government,… denies or takes away the equal protection of the laws violates the constitutional inhibition; …"
>
> *Ex parte Virginia*, 100 U. S. 339, 100 U. S. 347. Thus, the prohibitions of the Fourteenth Amendment extend to all action of the State denying equal protection of the laws; whatever the agency of the State taking the action, *see Virginia v. Rives*, 100 U. S. 313; *Pennsylvania v. Board of Directors of City Trusts of Philadelphia*, 353 U. S. 230; *Shelley v. Kraemer*, 334 U. S. 1; or whatever the guise in which it is taken, *see Derrington v. Plummer*, 240 F.2d 922; *Department of Conservation and Development v. Tate*, 231 F.2d 615.

The right of an inventor not to be disparately denied Patent Prosecution History Estoppel protection "is indeed so fundamental and pervasive that it is embraced in the concept of due process of law." *Bolling v. Sharpe*, 347 U. S. 497. The tragic aspect of this disruptive tactic was that the power of the USPTO/PTAB/CAFC/District Courts was used **not to sustain law, but as an instrument for thwarting law**.

> "… request…that law should bow to force. To yield to such a claim would be to enthrone official lawlessness… if not checked, is the precursor of anarchy. … it has signaled the breakdown of constitutional processes of government on which ultimately rest the liberties of all. Violent resistance to law cannot be made a legal reason for its suspension without loosening the fabric of our society. … For those

> in authority thus to defy the law of the land is profoundly subversive not only of our constitutional system, but of the presuppositions of a democratic society. The State "must . . . yield to an authority that is paramount to the State." Justice Holmes, *Brown*, p. 358 U. S. 23
>
> "When defiance of law, judicially pronounced, was last sought to be justified before this Court, views were expressed which are now especially relevant: "**The historic phrase 'a government of laws, and not of men'** … John Adams … Massachusetts Declaration of Rights, … expressing the aim of those who… framed the Declaration of Independence … **was the rejection in positive terms of rule by fiat**, whether by the fiat of governmental or private power. Every act of government may be challenged by an appeal to law, as finally pronounced by this Court. …Being composed of fallible men, it may err. **But revision of its errors must be by orderly process of law. The Court may be asked to reconsider its decisions, and this has been done successfully again and again throughout our history**. ...", which Dr. Arunachalam was denied.
>
> … the Founders knew that **Law alone saves a society from being rent by internecine strife or ruled by mere brute power however disguised. 'Civilization involves subjection of force to reason, and the agency of this subjection is law**.' (Pound, The Future of Law (1937) 47 Yale L.J. 1, 13.) … **No one, no matter how exalted his public office or how righteous his private motive, can be judge in his own case. That is what courts are for**." p 358 U. S. 24; *United States v. United Mine Workers*, 330 U. S. 258, 330 U. S. 307-309.
>
> "The duty to abstain from resistance to "the supreme Law of the Land," … **Active obstruction or defiance is barred**. … *See* President Andrew Jackson's Message to Congress of January 16, 1833, II Richardson, Messages and Papers of the Presidents (1896 ed.) 610, 623.

*See* ***Ex parte Young,*** 209 U. S. 123 (1908), ***Monroe v. Pape, 365 U.S. 167 (1961), prohibiting*** "[m]is-use of power, …wrongdoer … clothed with the authority of state law…;" ***United States v. Classic,*** 313 U. S. 299, 313 U. S. 326 (1941); ***Pierson v. Ray,*** 386 U. S. 547 (1967); ***Sterling v. Constantin,*** 287 U. S. 397, **on Government officials non-exempt from absolute judicial immunity**.

## CONCLUSION

***WHEREFORE,*** this Court **must vacate its unconstitutional Orders. The Court must promptly hold a Case Management Scheduling Conference, and proceed to jury trial**

**expeditiously**, allow discovery to proceed. This Court must not aid and abet the DEFENDANTS in their escapade from the law. A Certificate/Proof of Service is attached.

DATED: January 31, 2022

Respectfully submitted,

Lakshmi Arunachalam

222 Stanford Avenue
Menlo Park, CA 94025
650 690 0995, laks22002@yahoo.com

Dr. Lakshmi Arunachalam
*Self-Represented Plaintiff*

**Dr. Lakshmi Arunachalam's Declaration/Affidavit, Verification and Validation In Support of The Foregoing Brief**

I, Lakshmi Arunachalam, declare:

I am the inventor and assignee of the patents-in-suit, all of which derive their priority date from my provisional patent application with S/N 60/006,634 filed November 13, 1995. I reside at 222 Stanford Avenue, Menlo Park, CA 94025. I am self-represented Plaintiff in the above-captioned action. I make this declaration based on personal knowledge and, if called upon to do so, could testify competently thereto.

1. I am self-represented Plaintiff in the above-entitled action and I am familiar with the file, records and pleadings in this matter.
2. The Exhibit of Quantum Grammar Defects in D.I. 259 is an accurate forensic evidence analysis.
3. The Exhibits of Stanford University's Dr. Markus Covert and Dr. Jay Tenenbaum's Expert Testimony Declarations are true and correct copies of the same, as filed in the USPTO/PTAB.
4. The Exhibit of *Amicus Curiae* Daniel Brune's *Amicus Curiae* Brief is a true and correct copy of the same filed in the CitiBank CAFC Case 20-2196.

5. The Exhibit of *Amicus Curiae* Fred Garcia's *Amicus Curiae* Brief is a true and correct copy of the same filed in the Federal Circuit and in the U.S. Supreme Court in my cases.

I declare under the penalty of perjury under the laws of the United States and the State of California and Delaware that the statements in the foregoing brief and in this Declaration are true and correct. Executed this 31st day of January, 2022 in Menlo Park, California.

Dr. Lakshmi Arunachalam hereby attests that the aforementioned information is based on firsthand knowledge and/or information and such is relied upon in bringing forth this challenge/claim/objections, that such is attested, sworn, ascribed, and declared as wholly accurate, witnessed by and before God, on this 31st day of January 2022 and done so under penalty of divine retribution if held otherwise, so help me God.

Executed on January 31, 2022

Respectfully submitted,

Lakshmi Arunachalam

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Dr. Lakshmi Arunachalam
*Self-Represented Plaintiff*

**CERTIFICATE OF SERVICE**

I, Dr. Lakshmi Arunachalam, on 1/31/22, filed and caused to be served via CM.ECF, the foregoing brief, my Declaration and Exhibits upon all counsel of Record for Defendants and upon all Defendants.

January 31, 2022

Respectfully submitted,

Lakshmi Arunachalam

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Dr. Lakshmi Arunachalam
*Self-Represented Plaintiff*

**EXHIBITS**

1. **QUANTUM GRAMMAR DEFECTS in D.I. 259**
2. **Stanford University's Dr. Markus Covert's Expert Testimony Declaration**
3. **Dr. Jay Tenenbaum's Expert Testimony Declaration**
4. ***Amicus Curiae* Daniel Brune's *Amicus Curiae* Brief filed in the CitiBank CAFC Case 20-2196**
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